App. F. IX-4

Previous References

1933 (Law)

File No. 58-33

Serial Nos. 1-6

Later References

18

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for March of 34

SUBJECT.

Notice by Mr V. Seshachar Avl on behalf of Mr C. Venkatarao re the resumption of Inam lands endowed to Bhimappa's chattram at Davangere

Nop 400 3 9/23-2-34 To Mr V. Seshachar Advocate Bangalore

Inform that Govt see no reason to revise the orders already passed in the matter.

M Venugopal
31/3/34

G. R. S. APP'F. III—1] 1923

GENERAL AND REVENUE SECRETARIAT.

(Law)

NOTES.

File No. 55-33

FILE HEADING.

Notice under Sec 80 C.P.C

FROM Mr. V Krishnamurthy. Advocate. Bza

No.	Dated 9.11.33	Received 10.11.33
Diary No. 2514	Enclos. Spare copies	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Issues notice on behalf of one C Venkata Bhimayya threatening a suit for Cancellation of the order of resumption of certain Inams endowed to Bhimappa's Choultry and Mantapika situated in Parvatha Town.

NOTES AND ORDERS.

1) Mys. Br. may be requested to furnish the references relating to the order of resumption referred to in para 1 of the notice

15/11

2) The connected Mys file G.O.Nos 5520 5521 1733 with the previous references is invited—

G.S 15/11 4/12

3 Laws section, with the Compts

4/12

4) 4/12

GENL & REV SECRETARIAT. 558A. 14 NOV. 1933 MUZRAI.

NOTES—First Sheet.

WD 01683—GPE—3,000—3-5-29

2524 (2)

Serial No.

'O' Resumption of inam land endowed to Bheemappa's Chattram at Pavagada was ordered in G.O. dated 15th Jan'y 1931 and the Chattram and Manyam were taken over by Govt. for management, as the buildings were allowed to go into a very dilapidated condition. Revision Petn was filed on behalf of one Mr. C. Venkatabhimaiah and the Case was again closely examined. In rejecting the petn it observed in G.O. dated

'P' 13th July 1933 that the buildings were not Constructed at the expense of the petitioner's family, but by one Mr Seeni Nayaka who entrusted the Care of the buildings to one Mr Bheemappa the alleged ancestor of the petr. Again on 6.11.33 another petn was presented to reconsider the above order, and a stay order also was prayed for. This was also rejected.

6 Now the present notice represents a Suit for Cancellation of the above order and declaration of his right to the Chattram and the land endowed to it. Apparently the petr seems to have no Case. It is for order whether it is necessary to Call for the record. The Extract of the Inam rights are available in Mer No. 16-31.

ISD 5/12

The chattram is a charitable institution for the support & upkeep of which the inam was granted & this is recognised & registered as a Dharmadaya grant. The

NOTE—Contn. Sheet.

WD 0434—GPB—15,000—12-10-32

2524
33 08

File No. 55 of 1933

General and Revenue Secretariat

Serial No.

institution is therefore a Muzarai Institution within the meaning of Reg VII of 1927

It is therefore doubtful if it can be said that the order of Govt passed on 13.7.33 was under Sec 18 of the Regn; in which case alone there is a right of Suit as provided in Sec 4. If the order is/are passed under the provisions of chapter II, then Sec. 40 bars the jurisdn of Civil Cts in such matters.

8) There are certain Rules having the force of law which define the jurisdn of Civil Cts in Suits relating to inams. (Vide Chief Comr's notfn no 40 dated 15 May 1872). Please put up this for refce.

DOY
16/12/33

9 a Copy of the Ch. Comr's notification no. 1008 dt 15th May 1872 is obtained from the Gazette and put up for reference

R. O. No. P 173/32 of 21.12.1933.

10 Forwarded with compliments to the Govt Advocate for favour of opinion as to whether Civil Courts have jurisdiction to entertain Suits such as are threatened in the notice and if so regarding the further action to be taken in this case.

DO/Sd/-
for Gen Secy to Govt
21.12.33

Returned with

Letter no. 179/33-34 dt 14.12.33 from the Mgr. Comr. forwarding a copy of the Thanjavur DC's d.l.r.n. letter together with the notice issued by Mr. V. Krishna Murthy.

Dy No. 529/33-34 dt 21.12.33

(46

Serial No.

1.0.No. 93/30.34 dt 17.1.34.

Returned with compliments.

11 The Institution in question is a Chatra for the support of which an Inam has been granted and it is recognised and registered as a Dharmadava Grant. It is therefore a Muzrai Institution as defined by Section 2 sub Cl.2(1) of the Regulation.

12 It has been found in the Muzrai proceedings that the Chatra is in a dilapidated condition as it has been neglected by the representatives of the original - founders and that they have been misusing and misapplying the income from the Inam lands. The Institution and Inams have therefore been resumed by Govt.

13 The order of Government cannot be construed to be under the provisions of Chapter III as that Chapter refers to institutions other than Muzrai institutions. It cannot also be construed to be under Sec.9 & 10 as this is not a case of alienation or transfer as - contemplated in those sections. There is no other provision which expressly authorises the resumption of such institutions by Government.

14 Section 3 however makes the Government the Chief Controlling authority in all matters connected with Muzrai Institutions and the following sections which empower the Muzrai authorities to appoint Dharmadarsies or Committees to manage such institutions or entrust their management to Local Authorities indicate that Government have very wide powers with respect to the management of such institutions.

15 The order in the case may therefore be construed to be one passed under Chapter II of the Regulation in which

GENERAL SECRETARIAT 17 JAN 1934

WD 0434—GPB—15,000—12-10-33

5 5 603 3308 524

File No. 55 of 1933

General and Revenue Secretariat

Serial No.

in which case the Civil Courts would have no jurisdiction in the matter. The threatened suit may therefore be awaited.

M Macgregor 2/gr
Government Advocate.

CSN/17.1.34

GENERAL SECRETARY
18 JAN. 1934
No 504

Gen Secy) 16) mg 18/1/34

17) For perusal

II) Secy) 18/1/34

31.1.34

mg 31-1-34

18) Seen. Apart from the exemption of lands granted even to a man in the need not necessarily be under the Inam legislation but might be under the revenue law & failure of service, non-fulfilment of conditions of any grant etc. This aspect may also be examined & kept in view

1/2/34

19) Ltm 1/2

mg 1/2

To,
20) Mag. Br. (V.C.) for perusal and retention of the linked file.

TSD
2/2

OFFICE OF THE SECOND MEMBER OF COUNCIL
31 JAN. 1934

✓ 4532 / 33 p × 3308 / 33

Re: Bhimappa's Chowkidar at Navagada

6

6132 ×

General and Revenue Secretariat — Law File No. 55 of 1933. — [App. F. III—2

Serial No.

1) Held for perusal of the records in para 18 Rep. before remand in Dc

L S M 9/2

H Leary)

For perusal 8/2/34

Seen Mr. Shah Govt Advocate also —

M 9/2/34.

L 10/2

Seen MM 14.2.34.

Records will now be returned to Law Lecturer

Yes 19/2

MD 19/2/34

Law Lecturer with Compts

MD 20/2/34

MM 20/2

If appeal the following record copies returned to Govt file

Subj: with a ltr reply to the Mag. Comm: and an endo to the party.

MD 21/2

Issue MM 21/2

TYPING SECTION 1 FEB 1934 GEN I

NOTE—Contn. Sheet.

WD 0134—GPB—15,000—12-10-32

7 L.C 6-3

Law File No. 53 of 1933. General and Revenue Secretariat

Serial No.

To,

The Muz. Comm.

no. P. 4002 d 23.2.34 forwarding a copy of the Govt. Ad's opinion and informing that the threatened suit may be awaited.

Mr. V. Krishnamurthi, Advr.

Endst no. P. 4003 d 23.2.34 informing that Govt find no reason to revise the orders already passed in the matter.

To,

Muz. Br. (Secy.) for retaining the linked file.

Muz 28

TSD 2/3/34.

Linked Muz file bearing A. Nos 5'19 to 5'20 is retained.

Returned to Law Secy with Compliments

GJ 5/3

This will be filed now if appd.

TD 6/3.

V MM 6/3

B 6/3/34

V. Krishna Murthi, B.Sc, B.L.
Advocate.

C/137, Chikpet,
Bangalore City,
Dated, the 9th November, 1933.

1524/1933

By Hand

The Chief Secretary,
Government of Mysore,
Bangalore.

CHIEF SECRETARY
Law
10 NOV. 1933

Law 55-33-1

Sir,

On behalf of Mr. C. Venkata Bhima Rao, son of Ramamurthappa, Brahmin, Landlord, residing at Shenkeshavapura, Pavagada Taluk, I write to you, under his instructions, as follows:

1. The Government of Mysore has, by its Order dated 15-7-1933, in 45-46/Mizrai 16-31-9, directed the resumption of the Inams endowed to the charitable Institutions known as Mr. Sreenappa's Choultry and Musafarkhana, situated in Pavagada Town, and resumption of and management of the said Institutions by the Government.

2. By virtue of the said order my client and his family have been deprived of the enjoyment of the said Inams, and management of the said Institutions by them.

3. So far, my client's prayers for the cancellation of the said order have not met with success. The said order was communicated to my client by post on 25-7-1933. He has petitioned the Government on 6-II-1933, for the continuation of the management of the said Institutions by him and the enjoyment of the Inams by him.

4. As my client would ultimately like, if ever it becomes necessary, to institute a suit in the Court of the District Judge, Bangalore, having jurisdiction over the subject-matter, with respect to his rights to manage the said Institutions and the restoration and enjoyment of the Inams, which are the reliefs he seeks as consequential to the cancellation of the orders adverse to my client, he

by way of abundant caution, issued this written notice of such intention in compliance with the Statutory requirements of Section 80, Code of Civil Procedure.

5. My client is the manager of the joint Hindu family of himself and his undivided co-parceners and as such he has issued this intimation.

6. My client, his father, and his paternal grand-father, Mr. Bhimappa, enjoyed the aforesaid rights. The said Mr. Bhimappa is recognised as the owner of the Institutions in the Inam Settlement. In consideration of the services rendered by him, the Government was pleased to endow Inams thereto which have been in the enjoyment of my client and his ancestors.

7. My client submits that the Order passed depriving him of the Inams and management of the Institutions is not just, nor is any case of wilful or actionable negligence laying him open to such penalty exist, or made out, and the said order and of the Musrai Officer, Tumkur District, and Madhugiri Sub Division are liable to be vacated.

8. Under Section 21 of Regulation 7 of 1927 also, my client intends seeking the aforesaid reliefs in the said Court by way of suit, if necessary, at the expiration of two months next after this notice in writing has been delivered to you.

Yours faithfully,

V. Krishnamurthi

Advocate.

V KRISHNA MURTHI B. Sc., B.L
ADVOCATE CHICKPET, BANGALORE CITY.
ವಿ. ಕೃಷ್ಣಮೂರ್ತಿ, ಅಡ್ವೊಕೇಟ್
ಚಿಕ್ಕಪೇಟೆ, ಬೆಂಗಳೂರು ನಿಟಿ

3308 p 33

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

IMMEDIATE.

No. 779/33-34 Genl 2

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore,...13th..December..... 1933

14.

Law 55-33-2

FROM

N. Madhava Rau, Esq., B.A., B.L.,
~~S. HIRIANNAIYA, ESQ., M.A., B.L.,~~
Muzrai Commissioner in Mysore,
Bangalore.

FIN. SECRETARY
Rs. 3

15/12

To

S. Shamanna, Esq., B.A.,

Secretary to the Government of His Highness
the Maharaja of Mysore,
Financial Department.

GENL. & REV. SECRETARIAT
603
16 DEC 1933
MUZRAI

SIR,

With reference to correspondence ending with G.O.No.43-46/Muz.16-31-9 dated 13th July 1933 re: the inam lands endowed to Phimappa's Chattram at Pavagada, I have the honor to forward herewith copy of letter No.M.1302/33-34 dated 7th December 1933 from the Deputy Commissioner, Tumkur District, giving cover to a notice dated 9th November 1933 issued by Mr. V. Krishnamurti, Advocate, on behalf of Mr. C. Venkata Rau of Chamakesavapura, Pavagada Taluk, threatening to file a suit after the expiry of two months and to solicit the favour of instructions in the

NOTE—Contn. Sheet.

His connected papers have been sent to Law Secn in connection with a similar notice received therein - It is said that this may also be transfd to Law Secn for being dealt with therein

Gpt 16/12

Law Secy

This may be done.

16/12/33

Yours

Refer to Law 18/12

WD 0246 -GPB—15,000—22-8-32

Letter No.M.1302/33-34 dated 7-12-33 from the Deputy Commissioner, Tumkur District, to the Muzrai Commissioner in Mysore.

I have the honor to forward herewith a notice issued by Mr. V.Krishnamurthi, Advocate, for Mr. C. Venkata Rau of Channakesavapura, Pavagada Tal: re: resumption of the inam lands endowed to Bheemappa's Choultry and Musafir khana in Pavagada and to request the favour of instructions in the matter.

"COPY"

For Muzrai Commissioner,

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 4002 Ecc 2

Bangalore, Dated, 22nd February 1934. 23

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Juzrai Commissioner in Mysore,

Bangalore.

Sir,

With reference to your letter No.779/33-34 dated 14th December 1933 addressed to the Financial Secretary soliciting instructions in the matter of the notice issued under Section 80 ~~Criminal~~ Civil Procedure Code by Mr.V.Krishna Murti, Advocate on behalf of C.Venkata Rao of Channakeshavapura re: the resumption of inam lands endowed to Bhimappa's chatram at Pavagada, I am directed to forward herewith a copy of the Government Advocate's opinion in the matter and to state that the threatened suit may be awaited in the circumstances pointed out therein.

The enclosure to your letter is herewith returned.

I have the honour to be,

Sir,

Your most obedient servant,

For General Secretary to Government.

TSD

bnl.3

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue 23/2/34

Signed by Jr MJ Rao

List of enclosures .....

Copied by .....

Examined by .....

1

Section Law

File No. 55-33

Serial No. 3

No. P 4002/Ecu 2

To

The Hy. Comm.r

Sir,

With reference to your letter no. 779/33-3 dated 14th Dec 33 addressed to the Financial Secretary Soliciting instructions in the matter of the notice issued under sec 80 C.P.C. by Mr. V. Krishnamurti Advocate on behalf of C. Venkata Rao of Channakeshavapura re: the claim to resumption of Inam lands endowed to Bheemappa's Chatram at Bangalore I am directed to forward herewith a copy of the Govt. Ad.'s opinion in the matter and to state that the the aforesaid suit may be awarded in the circumstances pointed out in the enclosure to your letter under reference.

I have returned.

MM 2/2 for Secy

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P.4003 — Dated, Bangalore, 22nd Feby. 1934.
23

ENDORSEMENT.

V. Krishnamurti, Esq., B.Sc., B.L.,
Advocate, Bangalore.

With reference to his notice issued under Section 80 Civil ~~Criminal~~ Procedure Code on behalf of one C.Venkata Rao of Channakeshavapura in the matter of resumption of inam lands endowed to Mr.Bheemappa's chatram at Pavagada, Mr.V.Krishna Murti, Advocate is hereby informed that Government find no reason to revise the orders already passed in the matter.

By Order,

Sd/H. V. Ramaswami,
General Secretary to Government.

bnl.3

p.t.o

/ 0

Memo No. P. 4004 Bangalore, dated the 22-2-1934.

23

Copy of the foregoing is forwarded with - compliments to the Muzrai Commissioner in Mysore for information.

By Order,

For General Secretary to Government.

ISD

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue 23/2/34

Signed by Jr. M.G. Rao

List of enclosures .....

Copied by .....

Examined by .....

11

Section Law

File No. 55-33

Serial No. 4

No. P 4003/—

To

V. Krishnamurti Esqr Bar-at-Law
Advocate, B'lore

with reference to his no
issued under rec'd to C.P.C. on behalf
of one C. Venkata Rao of Channapatna in the matter of resumption
of inam lands endowed to
Mr. Bheemappa's Chetram at Par
Mr. V. Krishnamurti Advocate
is hereby informed that Govt
find no reason to revise the
orders already passed in the case

By Order,

Jr Secretary

Copy to the Hon'ble Counsel
for information